

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL
PRESCRIPTION OPIATE
LITIGATION**

**Case No. 1:17-MD-2804
Hon. Dan A. Polster**

APPLIES TO ALL CASES

**PLAINTIFFS' MOTION FOR EXTENSION OF TIME TO RESPOND TO
DEFENDANTS' MOTIONS TO DISMISS
FOR LACK OF PERSONAL JURISDICTION**

Plaintiffs respectfully move this Court for an extension of time in which to respond to Defendants Allergan plc, Teva Pharmaceutical Industries Ltd., and Mallinckrodt Plc's Motions to Dismiss for Lack of Personal Jurisdiction in light of Special Master Cohen's oral ruling on February 12, 2019, ordering Defendants to respond to discovery on the specific topic of personal jurisdiction.

Allergan plc and Teva Pharmaceutical Industries Ltd (hereinafter Teva Ltd.) filed their motions to dismiss for lack of personal jurisdiction on January 15, 2019. (Dkts. # 1258 and 1264 respectively.) Also on January 15, 2019, Mallinckrodt plc filed a Motion by Special Appearance for Leave to File Motion to Dismiss for Lack of Personal Jurisdiction (Dkt. #1266), which was granted on January 17, 2019 (Dkt. # 1279). Per the Court's order, the Mallinckrodt motion was deemed filed on January 17, 2019. (Dkt. # 1279 at 1.)

Pursuant to Local Civil Rule 7.1(d), a "party opposing a motion must serve and file a memorandum in opposition within thirty (30) days after service of any dispositive motion [.]” Consequently, Plaintiffs' opposition the Allergan and Teva motions will be

due Thursday, February 14, 2019. Opposition to Mallinckrodt PLC's motion will be due February 19, 2019. *See* FRCP 6(a)(B) and 6(a)(6)(A).

According to Federal Rule of Civil Procedure 6(b)(A), on motion filed prior to the original time when an act may be performed, the court may, for good cause, extend the time within which an act may be done.

Plaintiffs contend good cause exists here. Rather than have the court expend judicial resources evaluating these three motions to dismiss on an incomplete record, Plaintiffs request that they be permitted to respond to Defendants' motions after personal jurisdiction discovery is complete. Because Special Master Cohen has ordered the parties to meet and confer on the subject and so no date certain is currently ascertainable, Plaintiffs request that they be permitted to respond after said discovery is complete, as determined by Special Master Cohen, on a date he deems appropriate taking into account the volume of discovery that Plaintiffs must review in preparation.¹

WHEREFORE, Plaintiffs respectfully request that the Court extend Plaintiffs' deadline to respond to Defendants' Allergan plc, Teva Ltd. and Mallinckrodt plc's Motions to Dismiss for Lack of Personal Jurisdiction until after personal jurisdiction complete, as determined by Special Master Cohen, on a date he shall deem appropriate under the circumstances.

Respectfully submitted,

/s/ Elizabeth J. Cabraser
**LIEFF, CABRASER, HEIMANN &
BERNSTEIN, LLP**

¹ Plaintiffs sought agreement to this extension from Defendants prior to filing this motion. Allergan plc agreed to a one week extension, but did not agree that personal jurisdiction discovery should be provided before the motions for lack of personal jurisdiction are decided. Teva Ltd. took the position that Special Master Cohen's ruling did not apply to them. And, as of the time of this filing, counsel for Mallinckrodt is checking with their client.

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CERTIFICATE OF SERVICE

I hereby certify that on December 5, 2018, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF system.

/s/ Peter H. Weinberger

Peter H. Weinberger (0022076)

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